



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

APR 06 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Kenneth L. Schmidt, Registered Agent for
Union Electric Company d/b/a Ameren Missouri
500 East Independence Drive
Union, Missouri 63084

Re: Request for Information Pursuant to Section 308 of the Clean Water Act

Dear Mr. Schmidt:

The U.S. Environmental Protection Agency is investigating dumping activities that occurred at the Rotary Drilling, Inc. facility in Crystal City, Mo., near Section 7, Township 40 North, Range 6 East, Jefferson County. The EPA received information about these activities from the U.S. Army Corps of Engineers, St. Louis District (Corps). Specifically, the EPA has learned that you and/or your representatives placed and/or authorized the placement of fill material adjacent to Platin Creek on the Rotary Drilling, Inc., property. The Clean Water Act includes in its definition of "fill material," "rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in waters of the U.S."

Because these fill activities occurred in and around "waters of the U.S.," they are potential violations of Section 404 of the Clean Water Act (CWA). The EPA is requesting that you provide additional information concerning these fill activities.

The EPA is authorized to request this information pursuant to section 308(a) of the CWA, as amended, 33 U.S.C. §1318(a). Please provide the information requested below as clearly and completely as possible within thirty (30) days of receipt of this letter:

1. Provide copies of any correspondence between the Ameren Corporation and its entities and Rotary Drilling Supply, Inc., and/or Kleinschmidt Trucking, Inc., demonstrating compliance with the state of Missouri's General Beneficial Use Exemption for Coal Combustion Byproducts requirements issued to Ameren Energy Fuels and Services on May 15, 2002.
2. Provide copies of any correspondence between the Ameren Corporation and its entities and Mineral Resource Technologies, Inc., and/or Kleinschmidt Trucking, Inc., for the years 2004 through 2010 that include any reference to Rotary Drilling Supply, Inc., and/or Darriel Coleman.

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The information requested herein must be provided even though you may contend that it includes confidential business information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 308 of CWA and 40 C.F.R. § 2.203(b). A confidentiality claim requires certain steps on your part to justify such a claim. If the EPA determines that submitted information is confidential business information, the EPA will take steps to protect the confidential portions of the submitted information. Information covered by such claim will be disclosed by the EPA only to the extent permitted by CWA Section 308. If no such claim accompanies the information when it is received by the EPA, then it may be made available to the public pursuant to a Freedom of Information Act request.

As stated previously, your response to this information request must be submitted to EPA within thirty (30) days of your receipt of this letter. Your response to this request must be accompanied by the enclosed certificate. The certificate must be signed and dated by you and notarized by a certified public notary.

Send the requested information to:

Chris Muehlberger
Office of Regional Counsel
901 North 5th Street
Kansas City, Kansas 66106.

Although EPA requests your assistance, your response to these questions is mandatory. Section 309 of the CWA provides civil penalties of up to \$37,500 per day of violation for failing to provide information required under Section 308 of the CWA and criminal penalties for knowingly making a false statement under Section 308. If you have questions regarding this request, please contact Chris Muehlberger by phone at (913) 551-7623 or by email at muehlberger.christopher@epa.gov.

Sincerely,

Wayne Guseman Deputy Director

for Karen A. Flourney
Director
Water, Wetlands and Pesticides Division

Enclosure